

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Scott J. Tepper (SB# 51693) ScottJTepper@msn.com GARFIELD & TEPPER A Partnership of Professional Corporations 1801 Century Park East, Suite 2400 Los Angeles, California 90067 Tel.: (310) 277-1981 • Fax: (818) 225-5350</p> <p><input type="checkbox"/> Individual <i>appearing without an attorney</i> <input checked="" type="checkbox"/> Attorney for: Defendant Gary Gorham</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="982 357 1372 598"><p>FILED</p><p>JUL 28 2017</p><p>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY: Deputy Clerk</p></div>
<p align="center">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – <u>LOS ANGELES</u> DIVISION</p>	
<p>In re:</p> <p>MARK ELIAS CRONE,</p> <p align="right">Debtor</p> <p>JEFFREY A. RINDE and CKR GLOBAL ADVISORS, INC.,</p> <p align="right">Plaintiffs,</p> <p>v.</p> <p>SUSAN CRONE, GARY GORHAM and LEONIDAS P. FLANGAS,</p> <p align="right">Defendants.</p> <p align="right">Debtor(s)</p>	<p>CASE NO.: 2-17-BK-12392-BR CHAPTER: 7 Adv. No. 2:17-ap-01289-BR</p> <p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹)</i>:</p> <p>ORDER AFTER HEARING GRANTING DEFENDANT GARY GORHAM'S SPECIAL MOTION TO STRIKE UNDER CALIFORNIA C.C.P. § 425.16 AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (FRBP 7012 AND FRCIVP 12(b)(6)) AND DISMISSING ADVERSARY PROCEEDING AS TO DEFENDANT GARY GORHAM</p>

PLEASE TAKE NOTE that the order titled **ORDER AFTER HEARING GRANTING DEFENDANT GARY GORHAM'S SPECIAL MOTION TO STRIKE UNDER CALIFORNIA C.C.P. § 425.16 AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (FRBP 7012 AND FRCIVP 12(b)(6)) AND DISMISSING ADVERSARY PROCEEDING AS TO DEFENDANT GARY GORHAM** was lodged on (date) July 28, 2017 and is attached. This order relates to the motion which is docket number 39.

¹ Please abbreviate if title cannot fit into text field.

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11 UNITED STATES BANKRUPTCY COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 LOS ANGELES DIVISION

14 In re
15 MARK ELIAS CRONE,
16 Debtor;
17
18 JEFFREY A. RINDE and CKR GLOBAL
19 ADVISORS, INC.,
20 Plaintiffs,
21
22 -vs-
23 SUSAN CRONE, GARY GORHAM and
24 LEONIDAS P. FLANGAS,
25 Defendants.
26
27
28

Case No. 2-17-bk-12392-BR

Chapter 7

Adv. No. 2:17-ap-01289-BR

**ORDER AFTER HEARING
GRANTING DEFENDANT GARY
GORHAM'S SPECIAL MOTION TO
STRIKE UNDER CALIFORNIA
C.C.P. § 425.16 AND MOTION TO
DISMISS FOR FAILURE TO STATE
A CLAIM (FRBP 7012 AND FRCIVP
12(b)(6)) AND DISMISSING
ADVERSARY PROCEEDING AS
TO DEFENDANT GARY GORHAM**

[Relates to Docket Nos. 37, 39, 53, 54,
55, 56, 60 & 61]

23 This matter came on for hearing on the regularly noticed motions of defendant Gary
24 Gorham on July 25, 2017 at 10:00 a.m. before the Honorable Barry Russell, United States
25 Bankruptcy Judge. At the hearing the Court heard argument and considered Gorham's
26 special motion to strike the adversary complaint as to him pursuant to California C.C.P. §
27 425.16 (Docket No. 37), his motion to dismiss for failure to state a claim against him
28

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(Docket No. 39), pursuant to F.R.B.P. Rule 7012 and F.R.Civ.P. 12(b)(6), plaintiffs' oppositions (Docket Nos. 53, 54, 55 and 56) and Gorham's replies (Docket Nos. 60 and 62). Appearances on the motions were: for defendant and moving party Gary Gorham: Scott J. Tepper of Garfield & Tepper; for plaintiffs: J. Bennett Friedman of Friedman Law Group.

After considering the motions, oppositions and replies, and the evidence submitted in support of and opposition to the special motion to strike, and considering argument of counsel, and being fully apprised in the matter, and as to the special motion to strike based on the findings of fact and conclusions of law contemporaneously found and ordered by this Court, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The motion to dismiss for failure to state a claim is granted;
2. The special motion to strike is granted;
3. This adversary proceeding is dismissed, with prejudice, as to defendant Gary Gorham; and
4. Defendant Gary Gorham shall file and serve his motion for attorney's fees for hearing on September 12, 2017 (such date to act as a "control date" pending any notice of appeal plaintiffs may file).

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1801 Century Park East, Suite 2400, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 7/25/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Stephen F. Biegenzahn, efile@sfblaw.com;

Leslie A. Cohen, leslie@lesliecohenlaw.com; **J'aime K. Williams**, jaime@lesliecohenlaw.com;

Brian A. Link, brian@lesliecohenlaw.com;

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Jeffrey S. Kwong, jsk@lnbyb.com, jsk@ecf.inforuptcy.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (date) July 28, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Walter Benzija, Alan D. Halperin
Halperin Battaglia Benzija, LLP
40 Wall Street, 37th Floor
New York, NY 10005

X Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) July 28, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Hon. Barry Russell
United States Bankruptcy Court
255 E. Temple St., Suite 1660
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 28, 2017
Date

Scott J. Teppner
Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

PROOF OF SERVICE (CONTINUED)

Served by United States Mail:

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